

AMENDED IN ASSEMBLY MAY 4, 2009
AMENDED IN ASSEMBLY APRIL 23, 2009
AMENDED IN ASSEMBLY APRIL 16, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1004

Introduced by Assembly Member Portantino

February 27, 2009

An act to add Section 53154.5 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1004, as amended, Portantino. Local government: emergency response.

Existing law specifically authorizes a public agency to charge any person who is under the influence of an alcoholic beverage or drug, whose negligent operation of a motor vehicle, boat or vessel, or civil aircraft causes an incident that requires an emergency response, who makes a false police report, or who intentionally, knowingly, and willfully enters into an area that is closed to the public or drives a vehicle on a street or highway that is temporarily covered by a rise in water level, the reasonable expenses of an emergency response to the incident.

This bill would prohibit a public agency from ~~imposing a fee or seeking reimbursement for any expense of an emergency response for any other reason, if the fee or reimbursement is imposed absent a finding or assessment of fault and is based upon the residence of the persons involved~~ *making residency a determining factor in determining liability for purposes of seeking reimbursement for the expenses of any emergency response.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53154.5 is added to the Government
2 Code, to read:
3 ~~53154.5. Except as provided in Sections 53150, 53151, 53152,~~
4 ~~53153.5, and 53159, a public agency shall not impose a fee or seek~~
5 ~~reimbursement for any expenses of any emergency response if the~~
6 ~~fee imposed or reimbursement sought meets both of the following~~
7 ~~conditions:~~
8 ~~(a) Is made absent a finding or assessment of fault.~~
9 ~~(b) Is conditioned upon the residence of the persons involved~~
10 ~~in the incident or activity that prompted the emergency response.~~
11 53154.5. *A public agency, in making a determination of liability*
12 *for purposes of seeking reimbursement for the expenses of any*
13 *emergency response, shall not make residency a determining factor.*